

1 THE HONORABLE MARSHA J. PECHMAN
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHERYL KATER, individually and on behalf
11 of all others similarly situated,

12 Plaintiff,

13 v.

14 CHURCHILL DOWNS INCORPORATED, a
15 Kentucky corporation,

16 Defendant.

Case No. 15-cv-00612 MJP

**STIPULATED MOTION AND
~~PROPOSED~~ ORDER REGARDING
PLAINTIFF'S DEADLINE TO FILE
MOTION FOR CLASS CERTIFICATION**

NOTE ON MOTION CALENDAR:
October 14, 2015

17 Plaintiff Cheryl Kater ("Plaintiff") and Defendant Churchill Downs Incorporated
18 ("Defendant"), pursuant to Fed. R. Civ. P. 6(b), hereby respectfully move the Court to enter an
19 Order continuing Plaintiff's deadline to file a motion for class certification until the parties' initial
20 status conference, during which the parties can discuss a briefing schedule and submit proposals
21 in their joint status report. In support of the instant motion, the parties state as follows:

- 22 1. Plaintiff filed her class action complaint on April 17, 2015. (Dkt. 1.)
- 23 2. Pursuant to Local Rule 23(i)(3), Plaintiff's deadline to file a motion for class
certification is October 14, 2015.
- 24 3. On June 30, 2015, Defendant filed its motion to dismiss (Dkt. 24), which the
parties completed briefing on September 18, 2015. (Dkts. 32, 35.)

4. Given the early stage of the case and complexity of the issues presented in the complaint, and in the interests of judicial economy, the parties stipulated to extend their deadlines to participate in a Rule 26(f) conference, exchange initial disclosures, and file a joint status report and discovery plan until the Court has had an opportunity to rule on Defendant's motion, which this Court entered on September 17, 2015. (Dkts. 33, 34.)

5. Because Plaintiff has not yet had the opportunity to conduct discovery and the Court is required to conduct a “rigorous analysis” of each Rule 23(a) factor when determining whether plaintiffs seeking class certification have met the requirements of Rule 23,” *see Ellis v. Costco Wholesale Corp.*, 657 F.3d 970, 980 (9th Cir. 2011), Plaintiff requires an extension of her deadline to file a motion for class certification.

6. Plaintiff has conferred with Defendant and Defendant does not oppose Plaintiff's request to continue Plaintiff's deadline to file a motion for class certification until the parties' initial status conference, at which time the parties can discuss a briefing schedule and submit proposals for inclusion in the joint status report.

7. Based on the foregoing, good cause exists to grant the instant motion and the relief requested is not sought for any improper purpose.

The parties respectfully ask the Court to enter an Order continuing Plaintiff's deadline to file a motion for class certification until a date to be determined at the parties' initial status conference and as reflected in the parties' joint status report.

Dated: October 14, 2015

Respectfully submitted,

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12 *Counsel for Plaintiff*

13 Dated: October 14, 2015

14 Respectfully submitted,

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11 *Attorneys for Defendant*

12 **ORDER**

13 Based upon the above-stipulated motion, the Court hereby continues Plaintiff's deadline to
14 file a motion for class certification until the parties' initial status conference, during which the
15 parties can discuss a briefing schedule and submit proposals in their joint status report.

16 DATED this 15th day of October, 2015

17 
18 THE HON. MARSHA J. PECHMAN
19 UNITED STATES DISTRICT JUDGE

1 Presented by:

2 Cliff Cantor, WSBA # 17893

3 Law Offices of Clifford A. Cantor, P.C.

4 One of Counsel for Plaintiff

5 **Certificate of Service**

6 I certify that, on the date stamped above, I filed this document with the Clerk of the Court
7 using the CM/ECF system, which will serve all parties by emailing notice of the filing to their
counsel of record.

8 s/ Cliff Cantor, WSBA # 17893

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